

WELLS v. GOODNOW'S ADMINISTRATOR.

ERROR TO THE SUPREME COURT OF THE STATE OF IOWA.

No. 160. Submitted October 10, 1893. — Decided October 16, 1893.

This case is dismissed upon the authority of *Chapman v. Goodnow's Administrator*, 123 U. S. 540.

MOTION TO DISMISS. This action was commenced in the Supreme Court of Iowa to recover taxes that had been paid by the Iowa Homestead Company while in possession and occupancy of land in Iowa, which was afterwards adjudged to have been at that time the property of the defendant. Judgment in the trial court for the plaintiff which was affirmed by the Supreme Court of the State on appeal. In announcing its judgment that court said: "The facts in this case are the same as in *Goodnow v. Stryker*, 61 Iowa, 261, and following that case the judgment of the District Court must be affirmed. There are members of the court who think the cited case was incorrectly decided, but under the well-settled rule of *stare decisis* they think we must adhere thereto, especially so because of the many peculiar facts and many cases which have been determined by the court based on the subject-matter upon which this action is grounded." The defendant below thereupon sued out a writ of error to this court, which writ the defendant in error moved to dismiss on the ground that no Federal question was involved

Mr. George Crane for the motion.

Mr. C. H. Gatch and *Mr. William Connor* opposing.

THE CHIEF JUSTICE: The writ of error is dismissed for the want of jurisdiction upon the authority of *Chapman v. Goodnow*, 123 U. S. 540.